

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

STEVEN WAYNE MENDENHALL,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:05-cr-053
)	3:08-cv-417
UNITED STATES OF AMERICA,)	(VARLAN/GUYTON)
)	
Respondent.)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the government's motion to dismiss is **GRANTED**, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as time-barred, and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

E N T E R :

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin
CLERK OF COURT